



December 21, 2016

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

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

Dear Mr. Safina:

On December 8, 2016, the Wisconsin Department of Natural Resources (DNR) Southeast Region Closure Committee reviewed a request for closure of the case described above. The request was submitted on your behalf by the 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. As discussed with your environmental consultant on December 20, 2016, after careful review of the 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.

In March 2014, DNR reviewed a previous request for case closure also submitted by Key. DNR denied that request and, in a letter to you dated March 18, 2014 (copy attached), described outstanding work needed to complete the site investigation. Although some of the work requested in the closure denial letter has been completed, based on review of the information submitted in the closure request, outstanding issues remain as follows:

Soil:

1. In the previous closure denial letter, DNR requested collection of additional soil samples to define the horizontal and vertical extent and degree of contamination identified in the parking lot, specifically around borings GP-4, GP-19 and GP-20. Further definition of soil contamination in these areas was not conducted and is required. Once the additional investigation is completed, pathways of concern related to residual soil contamination must be assessed (i.e., vapor migration, direct contact, groundwater protection).
2. Additional soil investigation was conducted in the alley on the east side of the site. The closure report suggests that the extent of contamination in this area is defined yet residual soil contamination maps presented in the closure document do not indicate that the extent is defined to the east. Further discussion of the extent and degree of contamination on the east needs to be presented. Information collected at the adjacent Giovanni's site should be reviewed and utilized to describe the extent of residual soil contamination.

Vapor:

Vapor sampling has been conducted at the site below the Comedy Club portion of the building and below the residential area on the south. DNR does not believe sufficient information has been presented to support conclusions of Key's vapor intrusion assessment. Information on sampling methods/protocols used to collect the samples has not been provided, conflicting information has been provided regarding the construction details of the "mitigation trench" in the parking lot, and we have no understanding of what, if any, effect the trench system has

on mitigating vapors below the building or whether its operation during sampling affected sample results. Additional vapor assessment is required as described below.

1. Residential area: Based on the detected concentrations of trichloroethylene (TCE) and tetrachloroethylene (PCE) exceeding the residential vapor risk screening level (VRSL) in sub-slab samples collected below the residential area, and the lack of information regarding operation of the mitigation trench fans and sampling methods, we will require collection of additional vapor samples in order to better understand the significance of vapor contamination below this portion of the building. Sampling should be conducted with the trench fan turned off a minimum of one week. If sample ports are still present, re-sample AS-1 and SS-4, otherwise install new sample port(s) below the break room. The need for active sub-slab mitigation below the residential portion of the building should be assessed once additional soil and vapor sampling has been conducted. All compounds present in indoor air and sub-slab vapor must be considered and potential background sources that may be contributing to volatile compounds to indoor air should be investigated. Alternatively, DNR may consider waiving the requirement for additional sub-slab sampling if operation of an active sub-slab depressurization system under the building were proposed for the residential area. DNR typically requires active vapor mitigation at residential properties when sub-slab vapor concentrations exceed VRSLs.
2. Commercial area: Based on the detected concentration of TCE at SS-1, additional sub-slab vapor samples must be collected from below the commercial portion of the building to determine the extent of sub-slab vapor that exceeds VRSLs. Defining the extent of vapor contamination below the building will allow your consultant to determine where vapor mitigation would be required if the building were to be occupied in the future. If the vapor sampling ports are still present, re-sample SS-3 and SS-1 and add new locations to provide better coverage of the commercial area. DNR will consider case closure without an active vapor mitigation in the commercial area as long as the commercial area remains unoccupied and the extent and degree of soil vapor below the building is known. Case closure in that situation would be conditioned upon the future obligation to install and operate a vapor mitigation system if the building is proposed to be occupied.
3. Off-site investigation at 1680 N. Jackson St.: Two sub-slab sampling events and three indoor air sampling events were conducted at the off-site property located to the south of the site. Chlorinated compounds PCE and TCE and other volatile organic compounds were detected in the sub-slab samples but none were detected at concentrations above residential vapor risk screening levels. 1,2 dichloroethane was detected in indoor air at a concentration exceeding its vapor risk screening level but was not detected in the sub-slab sample which indicates a potential indoor air source. Naphthalene was also detected at an estimated concentration exceeding its vapor risk screening level in indoor air. Although the closure document identified where vapor risk screening levels were exceeded, the information presented is not adequate to rule out vapor intrusion as a pathway of concern. Additional discussion must be provided to support that conclusion and should include information on potential background sources in the basement.
4. Off-site property at 1681-83 E. Brady St.: Soil contamination detected in the alley could present a threat of vapor intrusion to the building located at 1681-83 E. Brady St. DNR understands that that property is also a former dry cleaner site with identified chlorinated solvent contamination in soil and soil vapor. Sub-slab vapor samples have been collected below this off-site building. Vapor results collected at the 1681-83 E. Brady St. property should be reviewed and utilized to assess whether a risk from vapor intrusion exists from contamination in the alley or can be ruled out as a pathway of concern. If appropriate, the potential shared responsibility of contamination in the alley should also be discussed.

Other issues with closure document:

1. Notification to City of Milwaukee for contamination in Brady St., Jackson St. and in the alley on the east side of the property. The letter sent to the City dated Dec. 26, 2013 does not accurately describe impacts to right-of-way parcels. Notification to the City describing continuing obligations related to City property will need to be resent before DNR will consider case.
2. Property lines should be clearly identified on site maps.
3. Other administrative or content-related revisions to the closure document will be identified when a subsequent closure request is submitted.

Results of the additional site investigation and other information requested above should be summarized and submitted to the DNR as a site investigation addendum report. The report must include a description of all field sampling methods and protocols followed for previous and new investigations, assess and identify all pathways of concern related to residual soil and/or soil vapor and identify what remedial responses have been or will be taken to address identified risks. If appropriate, a revised case closure request can be submitted with the site investigation report for DNR review.

DNR appreciates the efforts you have taken to investigate contamination at this property. Please contact me, or have your consultant contact me at (414) 263-8533 if you have any questions regarding what is requested in the this letter.

Sincerely,



Nancy D. Ryan, Hydrogeologist
Remediation and Redevelopment

Attachment

Cc: Ken Wein, Key Engineering – electronic copy