



April 28, 2021

Milwaukee Holdings, LLC
Attn: Joshua Ivey
913 29th Street
Des Moines IA 50301

Subject: Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended
Comedy Club Café, 615 East Brady Street, Milwaukee, Wisconsin
DNR BRRTS Activity # 02-41-553001
FID #: 341170170

Dear Mr. Ivey:

On April 1, 2021, 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). As discussed with your consultant, case closure is not recommended because additional legal requirements must be met. The purpose of this letter is to inform you of the remaining requirements for obtaining closure. We request that within 60 days of this letter, you provide us with the information requested or your written response regarding the necessary work and a schedule for completion of this work.

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 was determined to be incomplete.

Need to Conduct Additional Vapor Monitoring

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

- Collect an additional sub-slab sample at the 1680 North Jackson Street residence to verify that sub-slab vapor concentrations are below applicable regulatory standards.

Need to Conduct Additional Actions to Demonstrate the Effectiveness of Mitigation

At sites where vapors were present above the vapor risk screening level, Wis. Admin. Code § NR 726.05(8)(b)(2) requires that the vapor exposure pathway has been interrupted or mitigated.

The actions requested below are necessary to demonstrate that the sub-slab depressurization systems (SSDS) in both the arcade bar and duplex portion of the business are effectively mitigating the vapor exposure pathway. Guidance regarding vapor mitigation system commissioning can be found in the DNR document Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin (RR-800).

- One round of pressure field extension (PFE) testing was conducted in the duplex portion of the business, a minimum of two rounds of PFE testing is required to demonstrate the effectiveness of the SSDS. Conduct an additional round of PFE testing in the duplex portion of the business. The date of the initial round of PFE testing was not provided, one of the two total rounds in this area should be conducted during the heating season.
- No PFE testing has been conducted in the arcade bar. Conduct a minimum of two rounds of PFE testing to demonstrate the effectiveness of the SSDS in this portion of the building. One of the rounds of PFE testing should be conducted during the heating season.
- Provide both a table and figure within the revised closure packet which contain the results and location of the PFE testing.
- No post-mitigation indoor air samples have been collected in the arcade area. Conduct a minimum of two rounds of indoor-air sampling in the arcade area to demonstrate the effectiveness of the SSDS.

Schedule

Within 60 days of the date of this letter, respond in writing with a schedule of your plans to meet these requirements. Supplemental SI workplan within 60 days (NR 716.09 (1)), beginning of additional work within 90 days of approval of workplan (NR 716.11 (2g)), supplemental SIR within 60 days of completion of work (NR 716.15 (1)), etc.]

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.

Case closure can be reconsidered by the DNR once documentation has been received.

Conclusion

If you have any questions regarding the information in this letter or would like to schedule a meeting to discuss this case, please contact the DNR project manager, Hera Hulsey at (262) 612 – 9127 or hera.hulsey@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, search: RR-102, for more information.

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DNR BRRTS Activity # 02-41-553001

The DNR appreciates your efforts to restore the environment at this site.

Sincerely,



Timothy G. Alessi, P.G.
Team Supervisor, Southeast Region
Remediation & Redevelopment Program

cc: Timothy Anderson, United Engineering Consultants, tauec@sbcglobal.net